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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Thomas W. Schrimsher, Sr.  
Application No.: 10/772,046  
Filed: 02/04/2004  
Title: SEATING FOR AUTOMOTIVE VEHICLES  
Group/Art Unit: 3636  
Examiner: Joseph F. Edell  
Attorney Docket No.: 228-002.001 Shrock

Mail Stop: Non Fee Amendment  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Please amend claims 12-15 in accordance with the accompanying claim amendment sheet. These claims have been amended in accordance with the suggestion of the examiner in his May 3, 2005 office action. The examiner is thanked for calling these matters to the undersigned attorney's attention.

The objection to the drawings is noted. The examiner indicates that Figure 4 was not included with the drawings on February 4, 2004. It was thought that Figure 4 did accompany the continuation filing. Figure 4 was included in the parent application Serial Number 10/195,088. A replacement sheet containing Figure 4 accompanies this response.

Claims 12-16 stand rejected under 35 USC Sec. 103(a) as being unpatentable over Stevenson in view of Burdett. Reconsideration of this rejection is respectfully requested.

The Stevenson and Burdett patents as well as additional prior art was called to the examiner's attention during the prosecution of the parent application 10/195,088. A copy of the filed Information Disclosure Statement accompanies this response. Claim 12 requires each of the seat frame and the back frame to be moveable relative to one another between various use positions. Contrary to the examiner's assertion in paragraph 5 of his office action, the seat frame and back frame are not each moveable relative to one another in Stevenson. Only the seating portion 24 is moveable relative to seating portion 22.

Further, with regard to claim 15, the seat frame and the back frame are described as being both moveably mounted on the moveable portion of the support means. Neither back portion 22 nor seating portion 24 in Stevenson is moveably mounted on any type of support means.

The examiner attempts to combine the teachings in the Burdett reference with Stevenson. This is particularly interesting since Stevenson in column 1, lines 53-59 mentions the Burdett patent in his Background of the Invention. Thus, Stevenson as the inventor, considers his construction to be an improvement over Burdett. If the substitution of the linkage system in Burdett into the Stevenson concept was so obvious, one must ask why didn't Stevenson do it? One suggested reason for this lack of usage of the Burdett feet linkage system in the Stevenson concept would be the necessity for Stevenson to utilize both legs in Burdett since Stevenson, due to its constructions, requires a pair of legs on each side of his furniture product. This use of the rather complicated mountable link system of Burdett is not something Stevenson can use due to the fact that seating portion 24 must pivot between the position shown in figure 4 and that

shown in figure 6 which would cause the mountable linkage system of Burdett serious problems.

Accordingly, it would not be obvious to substitute the linkage system of Burdett into Stevenson and thus, claims 12-16 are not obvious over the references of record.

Claims 1-11 and 17 stand rejected under 35 U.S.C. Sec 103(a) as being unpatentable over Stevenson in view of Burdett and further in view of Meschkat.

The arguments advanced as to the incompatibility of the Stevenson and Burdett references with respect to claim 12 applies equally to claims 1-11 and 17. Stevenson requires two depending legs and Burdett has two depending legs with a mountable linkage system for raising the legs when the Burdett bed assembly is folded upwardly. This linkage system would not work or even be compatible in any measure with the linkage system and mode of operation of Stevenson. In Stevenson, seat portion 24 is folded rearwardly and upwardly over seat portion 22 in order to make the component into a seat as shown in figure 6. This form of movement would not accommodate the linkage system in Burdett. Burdett's three bed position is unlike Stevenson's three bed position except for the flat sleeping mode shown in figure 3 in Burdett and figure 4 in Stevenson. Otherwise, the mode of operation of the two assemblies are entirely different.

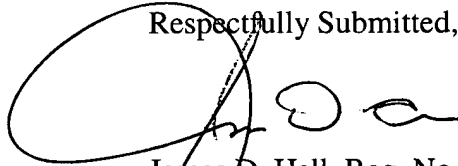
What the Meschkat reference adds to the examiner's rejection is not fully understood. The entire manner of operation of the Stevenson reference does not lend itself to relative movement of each of the seat portions relative to any support. When the Stevenson concept is in the bed position shown in figure 4, a sliding seat portion 22 would be of a hindrance. Sliding seats and adjustable backs are not new in the prior art as indicated in the photographic attachments to the accompanying Information

Disclosure statement filed in the parent application. Such construction would have little applicability with regard to the Stevenson reference due to the pivotal seat portion 24.

Further, as previously mentioned with respect to the arguments advanced regarding claim 12, the construction of the Burdett assembly was obviously considered by inventor Stevenson since Stevenson discusses the Burdett patent in his Background of the Invention. It appears obvious that inventor Stevenson could see that the linkage system in Burdett was not compatible with his invention and thus, he chose to ignore any teaching concepts in the Burdett reference.

In summary, claims 1-11 and 17 are not obvious over Stevenson in view of Burdett and Meschkat.

Respectfully Submitted,

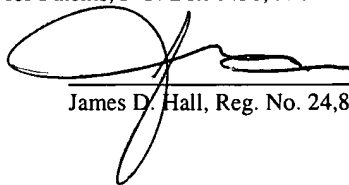


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